

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

KENNETH G. KEEL,

Plaintiff,

v.

R. E. YSALVA,

Defendant.

NO. 1:99-cv-06720-AWI-SMS-PC

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS

(Doc. 102)

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS (Doc. 92)

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 30, 2010, [findings and recommendations](#) were entered, recommending that Defendant's motion to dismiss for failure to exhaust administrative remedies pursuant to Federal Rule of Civil Procedure 12(b) be denied. The parties were provided an opportunity to file objections within thirty days. No objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on June 30, 2010, are adopted in full;

2. Defendant's motion to dismiss for failure to exhaust available administrative remedies pursuant to Federal Rule of Civil Procedure 12(b) is denied; and

3. This action is REFERRED to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: August 24, 2010


CHIEF UNITED STATES DISTRICT JUDGE